HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.27384 OF 1997

Dated 28th February, 2007

Between:

K.Vijay Kumar, son of Late M.Kannan, H.No.6-12-78/1, Gandhinagar, R.K.Puram Post, Trimulgherry, Secunderabad.

.Petitioner.

And:

1. The Dy. General Manager [Personal] Indian Airlines Ltd., Police Lines, Begumpet, Hyderabad and others.

…Respondents.

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the respondents in ignoring the claim of the petitioner and appointing respondent No.3 as peon as arbitrary and voilative of Articles 14,19 and 21 of the Constitution of India and consequently to direct the official respondents to regularize services of the petitioner with effect from 5-10-1988 and to pass appropriate orders.

After admission of Writ Petition, in W.P.M.P.No.31849 of 97 on 3.4.1998, this Court ordered that the appointment of the 3rd respondent pursuant to the impugned proceedings shall be subject to the final result of the writ petition.

The petitioner asserted that the 3rd respondent is junior to him and therefore, the third respondent ought not to have been appointed ignoring his case.

A detailed counter-affidavit is filed by respondents- 1 and 2 stating that the 3rd respondent is not a new candidate without any experience as alleged by the petitioner and in fact, the 3rd respondent

has a better claim compared to the petitioner. The 3rd respondent worked with Indian Airlines as a contractual workman under various contractors right from April 1985 to 19-11-1996 i.e., more than 11 years. Further, the 3rd respondent passed the S.S.C. Examination while the qualification prescribed for the post of peon was only 8th Class and he was interviewed by a duly constituted Selection Committee along with 56 other candidates including the petitioner. The Selection Committee found six candidates suitable for the post and their names were placed in the panel in order of merit. The 3rd respondent was selected by the Committee and placed at Serial No.1 in the order of merit. The 3rd respondent was appointed against the back-log vacancy of Peon on 21-4-1997 as per the Service Regulations of the Indian Airlines. The petitioner claimed for consequential benefits etc., from 21-4-1997 i.e., the date on which the 3rd respondent was appointed to the post of peon which is not tenable since he was not selected by the Board for the said post.

In view of the above, I am of the opinion that the writ petition is devoid of merits and the same is liable to be dismissed.

The writ petition is, accordingly, dismissed. No order as to costs.

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Justice C.VRAMULU

Dated 28-2-2007.

Dvs

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